STATUTORY INSTRUMENTS

# 1978 No. 629

# CHILDREN AND YOUNG PERSONS

## The Cessation of Approved Institutions (St. Edward's School) Order 1978

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| *Made* - - - | *26th April* 1978 |
| *Coming into Operation* | *1st June* 1978 |

The Secretary of State for Social Services, in exercise of his power under section 46 of the Children and Young Persons Act 1969(**a**), and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and commencement*

**1.** This order may be cited as the Cessation of Approved Institutions (St. Edward's School) Order 1978 and shall come into operation on 1st June 1978.

*Interpretation*

**2.**—(1) In this order unless the context otherwise requires—

"approved institution" has the meaning assigned to it under section 46 of the Children and Young Persons Act 1969;

"the school" means the school as approved by the Secretary of State under section 79(1) of the Children and Young Persons Act 1933(**b**) and known as St. Edward's School;

"the managers" means the managers of the school for the purpose of section 79(1) of the Children and Young Persons Act 1933;

"the specified date" means 1st June 1978;

"Planning Area No. 10" means the area so designated in the Schedule to the Children and Young Persons (Planning Areas) Order 1974(**c**);

"Trustee" means the trustee named in the trust deed referred to in article 4 of this order;

"registered voluntary home" means a voluntary home registered under section 29 of the Children Act 1948(**d**);

"Voluntary home" has the same meaning as in Part V of the Children and Young Persons Act 1933.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**e**) shall apply for the purposes of the interpretation of this order as they apply for the purposes of the interpretation of an Act of Parliament.

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(**a**) 1969 c. 54. (**b**) 1933 c. 12. (**c**) S.I. 1974/163.
(**d**) 1948 c. 43. (**e**) 1889 c. 63.

*Cessation as an approved institution*

**3.** It having appeared to the Secretary of State that in consequence of the establishment of community homes in Planning Area No. 10 the school as such is no longer required he hereby orders that it shall cease to be an approved institution as from the specified date.

*Substitution of repayment conditions*

**4.** The managers as persons upon whom falls a repayment obligation relating to the school as referred to in paragraph 9(2) of Schedule 3 of the Children and Young Persons Act 1969 having applied to the Secretary of State under paragraph 11(1) of that Schedule and it having appeared to the Secretary of State that on or within a reasonable time after the specified date the premises of the school are to be used for a purpose which is of benefit to children, namely a registered voluntary home, the Secretary of State with the consent of the Treasury in exercise of his powers under paragraph 11(2) of the said Schedule hereby orders that for the conditions under which the repayment obligation arose (as set out in paragraph 9 of a trust deed made on 24th October 1962 between Clifton Catholic Diocesan Trustees Registered (the Trustee) of the first part, The Right Reverend Joseph Rudderham (the Bishop) of the second part, and The Reverend Henry John Carter, The Reverend Robert Ernest Hall and Austin Gerald Comyn King (the Managers) of the third part) there shall be substituted different conditions with respect to the repayment of the sum to which the repayment obligation relates, namely,

(*a*) any sum paid by way of capital grant under section 104 of the Children and Young Persons Act 1933(**a**) as shall be outstanding on the specified date shall be repaid to the Exchequer within 3 months of the school ceasing to be an approved institution, and

(*b*) that on the school ceasing to be a registered voluntary home the Trustee shall subject to the consent of the Secretary of State and any requisite consent of the Charity Commissioners sell and dispose of the property or shall otherwise dispose of the same in such a manner as the Secretary of State shall approve and shall apply the net proceeds arising therefrom as follows:—

(i) firstly in discharging outstanding liabilities incurred by the Trustee and Managers in connection with the said property and the establishment, equipment, carrying on and maintenance of the home and the winding up of its affairs;

(ii) secondly in or towards repayment to the Exchequer of the sum of three hundred and twenty three thousand one hundred and thirty one pounds and sixteen pence (£323,131.16) reduced by such sums in respect of loans raised by the Managers with the approval of the Secretary of State for the carrying on of the home as shall be outstanding at the specified date; and

(**a**) 1933 c. 12.

(iii) thirdly in accordance with the trusts for the time being relating to the said property.

Signed by authority of the Secretary of State for Social Services.

*R. D. B. Pease,*
Assistant Secretary,
Department of Health and Social Security.

26th April 1978

## EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order makes provision for the cessation as an approved institution of St. Edward's School.

It substitutes for a condition of repayment of sums paid by the Treasury which was to have effect if the school ceased to be an approved school a new condition of repayment which is to have effect in part within 3 months of the school ceasing to be an approved institution and as to the remainder if the school ceases to be a registered voluntary home.

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